IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8734 OF 2005.

Bashiruddin Ahmed Latif
and ors. : Petitioners.

versus

The Special Land Acquisition
Officer and ors. : Respondents.

Mr.S.J.Ghogare for the petitioners.

Mr.Vinay Sonpal, AGP, for Respondet Nos.1 to 3.

CORAM : B.H.MARLAPALLE &
NARESH H. PATIL, JJ.

DATED : September 05, 2006.

ORAL ORDER

1. Heard Mr.Ghogare, the learned counsel for the petitioners who are the owners in respect of agricultural land being Gat No.377 situated at village Ajara, Tal.Ajara, Dist. Kolhapur and they have challenged the acquisition of land admeasuring 1 hectare and 62 R from the said Gat No.377 through this petition which was filed under Article 226 of the Constitution of India.

2. The petitioners claimed that they received notification under Section 12(2) of the Land Acquisition Act 1894 and they went on submitting representations but nothing was done and initially they approached this Court. The land under acquisition could not have been acquired, as per the petitioners, for the simple reason that to the very closed proximity of the land in question, there was plenty of lands suitable for building construction and which could have been easily acquired. They further claimed that from the total holding of 4 hectare and 78 R, the land admeasuring 1 hectare and 62 R has been acquired and thus they are left with 3 hectare and 16 R. They also claimed that prior to the subject acquisition, their land was acquired and, thus their livelihood was in a way taken away.

3. The Sub-Divisional Officer, Gadhinglaj Division, Gadhinglaj, District Kolhapur has filed a affidavit in reply. The affidavit states that the petitioners land admeasuring 1 hectare and 62 R was acquired for the purpose of construction of building of District and Sessions Court, at

Gadhinglaj and the award was passed on 30th September 1995, whereas the possession of the land was handed over on 23rd December 1996. Towards the compensation, an amount of Rs.3,55,354/- has been deposited to the R.D. account in the name of Tahsildar Ajara but by the name of khatedars. The affidavit further states that the petition has been filed belatedly and almost after 10 years from passing of the award.

4. The grievances raised in this petition cannot be considered at this time and it is too late for the petitioners to say that the land acquisition proceedings suffered from illegalities. We must also note that the petition does not point out any procedural infirmities except that the petitioners' allegation about failure on the part of the Land Acquisition Officer to give them hearing under section 5 of the Land Acquisition Act.

5. In our considered opinion, the grievances raised in this petition cannot be examined now and, therefore, the petition fails. The same is hereby rejected summarily.

[NARESH H. PATIL, J] [B.H.MARLAPALLE, J.]